

COUNTY OF SAN DIEGO

NORA VARGAS First District

BOARD OF SUPERVISORS

JOEL ANDERSON Second District

TERRA LAWSON-REMER Third District

NATHAN FLETCHER Fourth District

> JIM DESMOND Fifth District

AGENDA ITEM

DATE: June 8, 2021

03

TO: Board of Supervisors

SUBJECT

APPROVE THE RECOMMENDED FRAMEWORK FOR THE USE OF AMERICAN RESCUE PLAN ACT FUNDING, ESTABLISH APPROPRIATIONS TO SUPPORT PROPOSED ACTIONS, AND AUTHORIZE THE AUDITOR & CONTROLLER TO ESTABLISH A TRUST FUND FOR THE AMERICAN RESCUE PLAN ACT PROGRAM FUNDS (DISTRICTS: ALL)

OVERVIEW

On April 6, 2021 (5), County of San Diego (County) staff presented a proposed American Rescue Plan Act (ARPA) framework that the San Diego County Board of Supervisors (Board) approved "in concept" as the County had not yet received the federal guidelines with necessary details for the use of ARPA funds.

Today a final recommended ARPA Funding framework is being presented for approval. The recommended framework includes input from community workshops, community stakeholders, and input from the Board of Supervisors as well as consideration of the Legislative Analyst's Office guiding principles for allocating federal recovery funds, the Interim Final Guidelines released by the U.S. Department of Treasury, anticipated future additional federal and State funding, and ongoing and administrative costs related to responding to the COVID-19 emergency and for implementing programs outlined in the ARPA framework.

In total, the County received priority considerations from the Board for various projects and investments that combined, had an unduplicated total amount of \$1.2 billion in the use of ARPA funding, over \$500 million higher than the approved "in-concept" framework and actual funds available.

Today's item requests the Board take the following actions: approve the components of the recommended framework for the use of ARPA funding as outlined in Attachment A; establish a trust fund for ARPA program funds; and establish appropriations for the framework items. Once finalized, if there are changes to the Interim Final Guidelines or if significant additional federal or State funding is received by the County that materially impacts the recommended framework, staff will return to the Board as appropriate.

AMERICAN RESCUE PLAN ACT FUNDING, ESTABLISH APPROPRIATIONS TO SUPPORT PROPOSED ACTIONS, AND AUTHORIZE THE AUDITOR & CONTROLLER TO ESTABLISH A TRUST FUND FOR THE AMERICAN RESCUE PLAN ACT PROGRAM

FUNDS (DISTRICTS: ALL)

Today's actions support the County's *Live Well San Diego* vision by strengthening the local food system, helping vulnerable populations with an emphasis on those experiencing homelessness, and supporting local businesses that are providing essential services that increase the well-being of residents during the COVID-19 pandemic.

RECOMMENDATION(S) CHIEF ADMINISTRATIVE OFFICER

- 1. Approve the use of American Rescue Plan Act funding for current and ongoing costs related to the COVID-19 response efforts and the post-September 2021 COVID-19 response efforts totaling \$311,500,000; establish appropriations of \$236,500,000 in Health and Human Services Agency, Services and Supplies, for prior and ongoing costs estimated through September 30, 2021 related to the COVID-19 response efforts funded with ARPA revenue; establish appropriations of \$75,000,000 in Finance Other, General Miscellaneous Expense, Other Charges, for future COVID-19 response costs occurring after September 30, 2021 as needed. (4 VOTES).
- 2. Approve the use of American Rescue Plan Act funding for Premium Pay for Government Essential Workers and establish appropriations of \$36,000,000, distributed to various County departments as listed in Attachment D, under Salaries & Benefits, for hazard pay for non-teleworking County employees based on ARPA revenue. (4 VOTES)
- 3. Establish appropriations of \$4,000,000 in Finance Other, General Miscellaneous Expense, Other Charges, for teleworking stipends, based on prior year available General Fund Fund Balance. (4 VOTES)
- 4. Approve the use of American Rescue Plan Act funding for Mental Health Services and establish appropriations of \$30,000,000 in Finance Other, General Miscellaneous Expense, Other Charges. (4 VOTES)
- 5. Approve the use of American Rescue Plan Act funding for Homeless Services and establish appropriations of \$85,000,000 in Health and Human Services Agency, Services and Supplies. (4 VOTES)
- 6. Approve the use of American Rescue Plan Act funding for Food Assistance and establish appropriations of \$20,000,000 in Finance Other, General Miscellaneous Expense, Other Charges. (4 VOTES)
- 7. Approve the use of American Rescue Plan Act funding for Senior & Youth Services and establish appropriations of \$10,000,000 in Finance Other, General Miscellaneous Expense, Other Charges. (4 VOTES)
- 8. Approve the use of American Rescue Plan Act funding for Childcare Subsidies and establish appropriations of \$10,000,000 in Finance Other, General Miscellaneous Expense, Other Charges. (4 VOTES)
- 9. Approve the use of American Rescue Plan Act funding for Direct Stimulus Payments and establish appropriations of \$40,000,000 in Finance Other, General Miscellaneous Expense, Other Charges. (4 VOTES)

AMERICAN RESCUE PLAN ACT FUNDING, ESTABLISH APPROPRIATIONS TO SUPPORT PROPOSED ACTIONS, AND AUTHORIZE THE AUDITOR & CONTROLLER TO ESTABLISH A TRUST FUND FOR THE AMERICAN RESCUE PLAN ACT PROGRAM

FUNDS (DISTRICTS: ALL)

10. Approve the use of American Rescue Plan Act funding for Legal Services and establish appropriations of \$15,000,000 in Finance Other, General Miscellaneous Expense, Other Charges. (4 VOTES)

- 11. Approve the use of American Rescue Plan Act funding for Small Business and Non-Profit Stimulus Payments and establish appropriations of \$50,000,000 in Finance Other, General Miscellaneous Expense, Other Charges. (4 VOTES)
- 12. Approve the use of American Rescue Plan Act funding for Infrastructure and establish appropriations of \$46,000,000 in Finance Other, General Miscellaneous Expense, Other Charges. (4 VOTES)
- 13. Authorize the Auditor & Controller to establish a trust fund for the American Rescue Plan Act program funds.

EQUITY IMPACT STATEMENT

Today's actions provide the mechanism to present the County's recommended framework for the use of American Rescue Plan Act funding in support of the most vulnerable residents in the county. The COVID-19 pandemic has had a significant impact on the lives of individuals, businesses, and communities across San Diego County. In order to support the most vulnerable, an equity lens and a quantitative and qualitative data-driven approach was used to prioritize and integrate explicit consideration of racial and gender equity in the recommendations to guide the distribution of COVID-19 response and recovery-related federal, State, and local funding and resources.

To continue the County's commitment to transparency and open government and remove traditional barriers to access and participation in government affairs, through community workshops and other community input opportunities, the County of San Diego (County) has been able to obtain critical public input on the use of future federal and State COVID-19 stimulus funding.

FISCAL IMPACT

Funds for these requests are not included in the County of San Diego's Fiscal Year 2020-21 Operational Plan. If approved, the requests will establish appropriations associated with the American Rescue Plan Act (ARPA) Framework components listed in recommendations #1, #2, and recommendations #4 through #12, resulting in total costs of \$653.5 million to cover response costs and future investments available to be spent through December 31, 2026, the end of the ARPA coverage period. The funding sources are \$648.4 million in ARPA funds allocated directly to the County plus estimated interest earnings. In addition, the Fiscal Year 2021-23 CAO Change Letter will also include specific items that were referred to budget by prior Board action.

AMERICAN RESCUE PLAN ACT FUNDING, ESTABLISH APPROPRIATIONS TO SUPPORT PROPOSED ACTIONS, AND AUTHORIZE THE AUDITOR & CONTROLLER TO ESTABLISH A TRUST FUND FOR THE AMERICAN RESCUE PLAN ACT PROGRAM

FUNDS (DISTRICTS: ALL)

Recommendation #3 will result in costs and revenue of \$4.0 million to fund telework stipends. The funding source is prior year available General Fund Fund Balance, as telework stipends are not an ARPA eligible expense according to the Interim Final Guidelines.

While the recommendations referenced will appropriate the entire ARPA Framework in the current fiscal year, funds will be carried forward for use during the approximate five and a half year ARPA coverage period. For the COVID-19 response costs referenced in recommendation #1, it is anticipated that the Health and Human Services Agency (HHSA) will be able to leverage other funding sources in addition to ARPA, including FEMA reimbursements, Third Party revenue, and HHSA grant and administrative funds. These revenue sources will be closely monitored, and the ARPA appropriations that carry forward to Fiscal Year 2021-22 will be adjusted as needed to reflect the distribution of ARPA funds needed for response costs between the two fiscal years. Additionally, most of the remaining ARPA Framework items will be appropriated centrally in Finance Other and carried forward to future fiscal years, to allow for a transfer of appropriations to the most appropriate operating departments as programs are established during the ARPA coverage period.

Also of note, the Governor's May Revise has prioritized billions of dollars for programs contained within the recommended ARPA framework, including investments in childcare, direct payments to individuals and families, homeless services, and behavioral health services. In addition, the federal government is likely to pass legislation allocating billions, and potentially trillions for investments in infrastructure including broadband. These future funding opportunities will need to be considered with any approved ARPA framework, with the recognition that some of the program details outlined in the various components of the framework will need to be reevaluated when these additional funding resources become available. Appropriating the funds centrally at the outset will allow for adequate time to evaluate the impact of future funding sources prior to moving funds to operating departments.

BUSINESS IMPACT STATEMENT

This action will help support individuals, families and small businesses impacted by COVID-19.

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

A novel coronavirus (COVID-19) was detected in Wuhan City, Hubei Province in China in December 2019. Since then, the virus has rapidly spread across the globe, resulting in the World Health Organization (WHO) declaring COVID-19 a pandemic on March 11, 2020. On February 14, 2020, the San Diego County Public Health Officer issued a Declaration of Local Health Emergency, pursuant to California Health and Safety Code Section 101080. Additionally, on that

AMERICAN RESCUE PLAN ACT FUNDING, ESTABLISH APPROPRIATIONS TO SUPPORT PROPOSED ACTIONS, AND AUTHORIZE THE AUDITOR & CONTROLLER TO ESTABLISH A TRUST FUND FOR THE AMERICAN RESCUE PLAN ACT PROGRAM

FUNDS (DISTRICTS: ALL)

day, pursuant to California Government Code 8630, the Chief Administrative Officer (CAO), serving as the County of San Diego (County) Director of Emergency Services and as the Coordinator of the Unified San Diego County Emergency Services Organization, issued a Proclamation of Local Emergency regarding COVID-19.

The County has secured past federal and State stimulus funds to use toward our COVID-19 response efforts, however, additional resources are still required to support the County's efforts toward addressing the COVID-19 pandemic and protecting the needs of vulnerable populations and local businesses throughout the San Diego region. In anticipation of receipt of the future federal and State stimulus funds, on March 2, 2021 (6), the San Diego County Board of Supervisors (Board) directed the Chief Administrative Officer to return to the Board with a framework for the use of these funds toward the County's COVID-19 pandemic response efforts. On March 11, 2021, President Biden signed into law the American Rescue Plan Act of 2021 (ARPA) which established the Fiscal Recovery Funds intended to provide support to State, local, and Tribal Nations for additional relief in addressing the continued impact of the COVID-19 pandemic. The County was allocated \$648.4 million in ARPA funds and received the first installment of \$324.2 million on May 19, 2021.

At the request of the Board, the County hosted five virtual ninety-minute community workshops between March 15th and March 19th that gave the public the opportunity to provide feedback on the potential uses of anticipated funds under ARPA. A total of 386 individuals from across the County participated and arrangements were made to provide interpretation in Arabic, Chinese, Filipino, Spanish, and Vietnamese. Based on categories identified in ARPA, participants were able to engage with an online polling feature within the virtual meeting and rank the categories in order from highest priority to lowest and provide suggestions on the use of the funds.

On April 6, 2021 (5), County staff presented a proposed ARPA framework that the Board approved "in concept" as the County had not yet received the federal guidelines with necessary details for the use of ARPA funds. The following table is the approved "in-concept" framework which incorporated input from Community Workshops.

AMERICAN RESCUE PLAN ACT FUNDING, ESTABLISH APPROPRIATIONS TO SUPPORT PROPOSED ACTIONS, AND AUTHORIZE THE AUDITOR & CONTROLLER TO ESTABLISH A TRUST FUND FOR THE AMERICAN RESCUE PLAN ACT PROGRAM

FUNDS (DISTRICTS: ALL)

Board of Supervisors Approved "In-Concept" Framework April 6, 2021 (5)

Components	Total (in millions)	ARPA (in	Other Funding
Components	Total (III IIIIIIIIII)		Other Funding
	.	millions)	*
Prior & Ongoing Response Costs	\$391.7	\$232.5	\$159.2
Food Assistance	\$87.4	\$20.0	\$67.4
Mental Health Services	\$30.0	\$30.0	-
Rental Assistance	\$107.0	-	\$107.0
Senior & Youth Services	\$10.0	\$10.0	
Childcare Subsidies	\$10.0	\$10.0	
Small Business Stimulus Payment	\$50.0	\$50.0	
Homeless Services	\$85.0	\$85.0	
Direct Stimulus Payments	\$40.0	\$40.0	
Infrastructure	\$46.0	\$46.0	
Legal Services	\$15.0	\$15.0	
Premium Pay for Government	\$40.0	\$40.0	
Essential Workers			
Family Leave/FFCRA	\$9.0	-	\$9.0
Total Initial Use of Funds	\$921.1	\$578.5	\$342.6
09/21 – 12/22 Health/Economic	\$75.0	\$75.0	
Recovery			
Grand Total	\$996.1	\$653.5	\$342.6

Today's action is seeking the Board's final approval on the ARPA funding framework.

ARPA Funding Framework Considerations

When deliberating the use of approximately \$650 million of ARPA funds, there are several foundational factors to consider. Below are considerations to provide guidance when reviewing and approving the final ARPA funding framework.

Community Workshops and Board Prior Actions and Input

As previously mentioned, the County hosted five virtual ninety-minute community workshops and received additional correspondence from other agencies and organizations. In addition, each member of the Board of Supervisors provided a memo with priorities for utilization of ARPA funds totaling approximately \$1.2 billion, over \$500 million higher from the approved "inconcept" framework and actual funds available (Attachment B). For convenience a chart summarizing the Board memos is provided as Attachment C.

Legislative Analyst's Office Guidance

On May 4, 2021, the Legislative Analyst's Office (LAO) published "A Framework for Allocating Federal Recovery Funds", which is a set of guiding principles for the Legislature to consider when managing the ARPA funds. Among the LAO's first suggested principles is a recommendation that

APPROVE THE RECOMMENDED FRAMEWORK FOR THE USE OF AMERICAN RESCUE PLAN ACT FUNDING, ESTABLISH APPROPRIATIONS TO SUPPORT PROPOSED ACTIONS, AND AUTHORIZE THE AUDITOR & CONTROLLER TO ESTABLISH A TRUST FUND FOR THE AMERICAN RESCUE PLAN ACT PROGRAM

FUNDS (DISTRICTS: ALL)

the Legislature take the time to define its goals and develop a plan in allocating these funds, recognizing that the amount the State would receive is at a "once-in-a-generation magnitude" and that ARPA guidelines do not require the State to spend the federal resources immediately.

The LAO proposed the following for consideration:

- Define goals and invest in planning
 - o Identify significant challenges.
 - o Take time to develop a plan with measurable goals and objectives.
- Equity lens to identify gaps
 - o Consider gaps in federal assistance programs and stimulus programs.
 - o Consider disparities, notably disparate health and economic consequences and consider targeting assistance to those most impacted.
- Maximize longer-term benefits
 - Use a portion of the ARPA funds to prepare for inevitable future challenges, including service needs in re-opening efforts, help mitigating when federal assistance ends likely in the fall, and planning for possible long-term pandemic impacts.

Interim Final Guidelines

On May 17, 2021, the Department of Treasury issued the Interim Final Guidelines (Interim Guidelines) to implement ARPA. The Interim Guidelines have yet to be finalized and are currently under a public comment period. The County anticipates the Guidelines will be finalized by mid-July 2021 at the earliest. Once the final guidelines are released, if it results in required changes to the framework, staff will update the Board. The coverage period on the use of ARPA is from March 3, 2021 through December 31, 2026, a span of approximately five and a half years. Although the statute requires the funds to be spent by December 31, 2024, the US Treasury defines "spent" as obligated by December 2024, and fully expensed by the end of December 2026. The allowable categories for expenditure are costs related to:

- Responding to the public health emergency;
- Addressing negative economic impacts caused by the public health emergency;
- Replacing lost public sector revenue;
- Providing premium pay for essential workers; and
- Investing in water, sewer, and broadband infrastructure.

Anticipated Significant Additional Funding

The Governor's May Revise has prioritized billions of dollars for programs contained within the recommended ARPA framework, including investments in childcare, direct payments to individuals and families, homeless services, and behavioral health services. In addition, the federal government is likely to pass legislation allocating billions, and potentially trillions for investments in infrastructure including broadband. These future funding opportunities will need to be considered with any approved ARPA framework, with the recognition that some of the program

AMERICAN RESCUE PLAN ACT FUNDING, ESTABLISH APPROPRIATIONS TO SUPPORT PROPOSED ACTIONS, AND AUTHORIZE THE AUDITOR & CONTROLLER TO ESTABLISH A TRUST FUND FOR THE AMERICAN RESCUE PLAN ACT PROGRAM

FUNDS (DISTRICTS: ALL)

details outlined in the various components of the framework will need to be reevaluated when these additional funding resources become available.

In summary, the following considerations were reviewed when developing the proposed framework:

- The input provided by the public from the community workgroups held in March 2021 and other correspondence received from community advocates.
- The ARPA "In-Concept" framework approved by the Board on April 6, 2021.
- The Board of Supervisors memos on their priorities for utilization of ARPA (Attachments B and C).
- The need to ensure funding is available to cover County public health COVID-19 response costs.
- Sustainability of recommended programs beyond the COVID-19 pandemic and expenditure of ARPA funds.
- The US Treasury Interim Guidelines on the permissible uses of ARPA.
- The five and a half year time frame for allowable use of ARPA funds, from March 2021 through December 2026.
- The LAO's advice on guiding principles when developing a plan, with a priority in identifying gaps, and maximizing the funds for long-term benefits.
- The anticipation of significant additional investments through State and federal funds for many of the programs within the ARPA components.
- The anticipated administrative costs to implement programs outlined in the ARPA framework.
- Incorporation of an equity lens to support the most vulnerable individuals and communities in San Diego County.

ARPA Recommended Framework

CATEGORY	DESCRIPTION	AMOUNT (in millions)
Current and Ongoing COVID-19 Response Costs	 Prior & On-going COVID-19 response costs through Sept. 2021 - \$236.50 million Post September 2021 efforts - \$75 million These components cover a range of costs for our primary COVID-19 response efforts, including testing, tracing, treating, vaccination efforts, PPE supplies, outreach and education, media, public health efforts, and administrative costs. The post September allocation of \$75 million will be reassessed for need in the coming months. 	\$311.50
Premium Pay for	Hazard pay for County employees - \$36 million	\$36.0

AMERICAN RESCUE PLAN ACT FUNDING, ESTABLISH APPROPRIATIONS TO SUPPORT PROPOSED ACTIONS, AND AUTHORIZE THE AUDITOR & CONTROLLER TO ESTABLISH A TRUST FUND FOR THE AMERICAN RESCUE PLAN ACT PROGRAM

FUNDS (DISTRICTS: ALL)

Government Essential Workers Montal Health	The original ARPA in-concept framework allocation of \$40 million included consideration of a stipend for teleworking; however, based on a review of the Interim Final Guidelines, this is not an allowable expenditure for ARPA funds. Therefore, we are reducing the ARPA allocation for hazard pay for County employees to \$36 million. General Fund Fund Balance of \$4 million is recommended to cover the stipends for teleworking.	\$20.0
Mental Health Services	Behavioral Health Services support for children, youth and families - \$30 million Behavioral health needs have been identified as a high priority especially for children and youth of all ages. Behavioral Health Services will work with schools, First 5 San Diego, Child Welfare Services, community members and other stakeholders to develop and implement a plan to address the needs of students, children from 0-5 years of age, teenagers, and Transitional Age Youth. Future State and federal funding will need to be considered when developing plans for areas of investment.	\$30.0
Homeless Services	 Housing, shelter, including acquisition of facilities and wrap-around services - \$70 million Housing vouchers & Local Rent Subsidy Program & services - \$10 million LGBTQ homeless services/housing - \$5 million Many in San Diego County are currently experiencing or at risk of homelessness. Funds will be invested in housing resources and other wraparound and supportive services, housing vouchers and local rent subsidy programs, and housing programs prioritizing the LGBTQ population. The newly formed Department of Equitable Communities and Homeless Solutions will lead in developing a plan for specific use of these funds in collaboration with other County departments. Future State and federal funding will need to be considered when developing plans. 	\$85.0
Food Assistance	 Food Distribution programs (food banks/meal delivery programs, etc.) - \$10 million Community Gardens - \$7 million Expansion of Mas Fresco More Fresh Nutrition Incentive Program - \$2 million 	\$20.0

AMERICAN RESCUE PLAN ACT FUNDING, ESTABLISH APPROPRIATIONS TO SUPPORT PROPOSED ACTIONS, AND AUTHORIZE THE AUDITOR & CONTROLLER TO ESTABLISH A TRUST FUND FOR THE AMERICAN RESCUE PLAN ACT PROGRAM

FUNDS (DISTRICTS: ALL)

	Nutrition incentives beyond SNAP to Medi-Cal - \$1 million	
	Food assistance was one of the top priorities that resulted from the community workshops. Incorporating community feedback and the Board's priorities, the funding will be used to invest in the expansion of Mas Fresco More Fresh Nutrition Incentive Program, nutrition incentives, community programs and food distribution programs. As with other components there may be significant additional future State and federal funding to help address these needs. These additional resources will need to be considered when finalizing the specific use in the provision of food assistance.	
Senior &	Youth Services Fund: Career pathways for foster youth	\$10.0
Youth Services	 and the San Pasqual Academy Promise - \$5 million No-cost transportation to senior and youth - \$3 million Grant program for youth sports and youth camp tuition - \$2 million 	
	The funds will be used to provide no-cost transportation for seniors and youth, such as transportation vouchers, as well as be invested toward exploring career pathways for foster youth by augmenting Child Welfare Services' independent living skills program and providing funding for the San Pasqual Academy Promise. In addition, a one-time grant program for youth sports and youth camp tuition in partnership with foundations and other community agencies will be developed. Staff will return to the Board with an update on these efforts and for any necessary Board action to implement these programs.	
Child Care	Child Care voucher program for targeted populations -	\$10.0
Subsidies	\$4 million	,
	 Child Care Grant program - \$4 million Child Care facility development and improvement - \$2 million 	
	As the community and region re-opens there is a significant need for access to child care. The dollars within this component will be used to provide vouchers to families in need, grants to child care providers, and investments in child care facilities. The County will look	

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TRUST FUND FOR THE AMERICAN RESCUE PLAN ACT PROGRAM FUNDS (DISTRICTS: ALL)

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	into facility development at the County Operations Center for onsite childcare. Future State and federal funding will need to be considered when developing the specifics in the use of these dollars.	
Direct Stimulus Payments	 Direct cash assistance for populations disproportionately impacted by COVID-19 - \$15 million Innovation in Foster Care: Cash Transfer for Youth At-Risk Families - \$15 million Stimulus payments to low-income immigrants excluded from federal/State benefits - \$10 million With the Stay-at-Home Order to be lifted in the coming weeks the current COVID-19 income stipend program is recommended to end June 30, 2021, and the Direct Stimulus Payments component is being recommended to support populations disproportionately impacted by COVID-19. A pilot program for Cash Transfers for families at risk of entry into foster care, and stimulus payments for low-income immigrants not eligible for federal/State benefits will be developed. Each of these programs will require additional evaluation to ensure design elements are allowable under ARPA and a return to the Board for follow-up action. 	\$40.0
Legal Services	Tenants Facing Eviction counseling and outreach/prevention services - \$15 million Investing \$15 million for legal services to tenants facing eviction to provide counseling and outreach/prevention services supports the most vulnerable tenants in San Diego County. This funding is intended to help prevent eviction through community outreach and education and connecting tenants, who may otherwise not have access to or be able to afford legal representation, to existing resources that may help them understand their legal rights.	\$15.0
Small Business and Non-Profit Stimulus Payments	 Small Business and Non-profit Stimulus Program - \$31 million Restaurant Fee Waivers - \$7.5 million Special Event Fee Waiver - \$1.5 million Arts & Culture - Community Enhancement Dollars - \$5 million 	\$50.0

AMERICAN RESCUE PLAN ACT FUNDING, ESTABLISH APPROPRIATIONS TO SUPPORT PROPOSED ACTIONS, AND AUTHORIZE THE AUDITOR & CONTROLLER TO ESTABLISH A TRUST FUND FOR THE AMERICAN RESCUE PLAN ACT PROGRAM

FUNDS (DISTRICTS: ALL)

	 Rental assistance for small landlords with no other source of rental assistance - \$5 million 		
	The Small Business and Non-profit Stimulus Program has been a helpful resource for the community during the COVID-19 pandemic and it is recommended for \$31 million in ARPA funding to be used under the existing program parameters, distributed through the prior Board approved equity methodology. Additionally, the funds will be invested in restaurant fee waivers, special event fee waivers, rental assistance for small landlords, and for \$5.0 million to go to the Board's Community Enhancement Program, specifically to address the needs for arts and culture.		
Infrastructure	 Broadband services for the unincorporated area - \$20 million Investments in stormwater, sewer, and drinking water for the unincorporated area - \$17 million Investment in electric vehicle (EV) replacement/infrastructure - \$5 million Invest in local, independent fire districts -\$4 million It is recommended to allocate \$46 million in ARPA funds for infrastructure investments in stormwater, water, sewer, broadband, EV replacement and infrastructure and local, 	\$46.0	
	independent fire districts. Additionally, it is recommended County staff return to the Board with options for use of these funds such as the need for community needs assessments or specific projects in these categories to fund.		
Rental Assistance	No ARPA funds are recommended to be allocated as there \$0		
TOTAL		\$653.50	

Proposed Actions

Today's item requests the Board approve the recommended ARPA funding framework and its components totaling \$653.5 million as outlined in Attachment A, establish a trust fund for ARPA funds, and establish appropriations for the framework items.

AMERICAN RESCUE PLAN ACT FUNDING, ESTABLISH APPROPRIATIONS TO SUPPORT PROPOSED ACTIONS, AND AUTHORIZE THE AUDITOR & CONTROLLER TO ESTABLISH A TRUST FUND FOR THE AMERICAN RESCUE PLAN ACT PROGRAM

FUNDS (DISTRICTS: ALL)

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's actions to approve the allocation proposal of American Rescue Plan Act Funding supports the Building Better Health Initiative by strengthening the local food system and the Sustainable Environments/Thriving Strategic Initiative in the County of San Diego's 2021-2026 Strategic Plan by providing financial resources to assist local businesses and other essential providers impacted by COVID-19.

Respectfully submitted,

HELEN N. ROBBINS-MEYER Chief Administrative Officer

ATTACHMENT(S)

Attachment A - Final Recommended American Rescue Plan Act Framework

Attachment B – Board of Supervisors Memos on the use of American Rescue Plan Act Funds

Attachment C - Summary of Board of Supervisors American Rescue Plan Act Priorities

Attachment D – Estimated Hazard Pay by Department

> AMERICAN RESCUE PLAN ACT FUNDING, ESTABLISH APPROPRIATIONS TO SUPPORT PROPOSED ACTIONS, AND AUTHORIZE THE AUDITOR & CONTROLLER TO ESTABLISH A TRUST FUND FOR THE AMERICAN RESCUE PLAN ACT PROGRAM

FUNDS (DISTRICTS: ALL)

AGENDA ITEM INFORMATION SHEET

REQ	UIRES	FOUR	R VOTES:	\boxtimes	Yes		No	
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	Yes	\boxtimes	No					
Mag	18, 20	21 (5);	-	ite on the	e COVII	D-19 Re	Response, Ratify Actions in Response to	
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App	ropriati	ons to I	implement the	Emerge	ncy Ren	tal Assi	sistance Program, Authorize Acceptance	Э
		-				•	Enhancing Detection Funding, Authorize	
	-				-		logical Study, Authorize Acceptance of	
			11		-		unding, and Authorize any other Action ch 2, 2021 (6), Receive Update on the	
	•						the Local Health Emergency and Local	
		-	•				Return to the Board with a Framework	
					Funds,	and Au	uthorize any other Action Necessary to)
Ado	lress the	COVII	D-19 Pandemi	ic.				
BO N/A		OLICI	ES APPLICA	BLE:				
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BO N/A		OLICY	STATEME	NTS:				

MANDATORY COMPLIANCE:

N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION **NUMBER(S):**

N/A

ORIGINATING DEPARTMENT: Health and Human Services Agency

OTHER CONCURRENCE(S): Auditor & Controller

AMERICAN RESCUE PLAN ACT FUNDING, ESTABLISH APPROPRIATIONS TO SUPPORT PROPOSED ACTIONS, AND AUTHORIZE THE AUDITOR & CONTROLLER TO ESTABLISH A TRUST FUND FOR THE AMERICAN RESCUE PLAN ACT PROGRAM

FUNDS (DISTRICTS: ALL)

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